

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Buffalo, N.Y.,

Debtor.

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Case No. 20-10322 (CLB)
Chapter 11

**REPLY IN FURTHER SUPPORT OF THE DIOCESE’S OBJECTION WITH
RESPECT TO PROOF OF CLAIM NOS. 903/975, 908/980, 911/978, 976 AND 979**

The Diocese of Buffalo, N.Y., the debtor and debtor-in-possession in the above-captioned chapter 11 case (the “Diocese”), hereby files this reply (this “Reply”) in further support of its *Objection to Allowance of Sexual Abuse Proof of Claim Nos. 903 and 975* [Docket No. 3356], *Objection to Allowance of Sexual Abuse Proof of Claim Nos. 908 and 980* [Docket No. 3357], *Objection to Allowance of Sexual Abuse Proof of Claim Nos. 911 and 978* [Docket No. 3358], *Objection to Allowance of Sexual Abuse Proof of Claim No. 976* [Docket No. 3401] and *Objection to Allowance of Sexual Abuse Proof of Claim No. 979* [Docket No. 3402] (collectively, the “Objections”)¹. As and for its Reply, the Diocese respectfully submits as follows:

REPLY

1. Prior to filing its bankruptcy petition, the Diocese implemented its Independent Reconciliation and Compensation Program (“IRCP”). It is undisputed that the three Claimants that filed Proof of Claim Nos. 903/975, 908/980 and 911/978, as part of the IRCP and in consideration for the payment from the Diocese of an award of compensation, executed an Agreement and General Release. The Diocese is, through the Objections, objecting to such claims,

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection.

and the purported derivative claims of their spouses (POC976 and POC979), on the ground that those claims have been released by the Claimants.

2. The Claimants, through counsel, filed a response [Docket No. 3498] to the Objections on January 10, 2025 (the “Response”). The Response acknowledges that the Claimants released their claims against the Diocese but argues that Claimants should be permitted to pursue their claims against “all other potentially liable entities” named in a separate action originally filed in Supreme Court, Erie County that does not involve the Diocese. *See* Docket No. 3498-2.

3. The Objections concern the proofs of claims filed against the Diocese’s bankruptcy estate by Claimants who have released their claims against the Diocese, and the derivative claims of their spouses. This Court does not have jurisdiction over the non-Debtors that are parties to the Claimants’ state court action. In addition, whether the Agreement and General Release bars claims against non-Debtors is not before this Court and any ruling on that issue would simply be an impermissible advisory opinion. That issue, in any event, does not make the subject proofs of claim allowable against the Diocese and the Objections should be granted.

CONCLUSION

WHEREFORE, the Diocese respectfully requests that the Court grant the Objections and disallow and expunge Proof of Claim Nos. 903/975, 976, 979, 908/980 and 911/978, together with such further relief as the Court deems just and proper.

Dated: January 14, 2025

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